

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Edward R Stuart

Respondent

Civil Citation No.75673

8056 Milton Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 428, failure to remove inoperable/unlicensed motor vehicle; (BCZR) section 101.1D; Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to remove open dump and properly store garbage and trash on residential property zoned DR 5.5 known as 8026 Milton Avenue, 21244.

On May 5, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Stuart Kelly issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,600.00 (four thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 13, 2010 for removal of untagged/inoperative motor vehicle, remove open dump/junk yard, remove trash and debris, store garbage in cans with tight lids. This Citation was issued on May 5, 2010.

B. Photographs in the file show an old blue sedan vehicle with no license plates parked outside in the driveway. Photographs show another car parked in front of the garage, with a heavily damaged front and no license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

C. Photographs in the file show open dump conditions, with junk and debris piled in the yard including used auto parts, furniture, discarded plastic, and old tires. Photographs also show garbage in cans without lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove the vehicles and to remove all junk, trash and debris, at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by July 14, 2010.

IT IS FURTHER ORDERED that after July 14, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris from the premises, at Respondent's expense.

IT IS FURTHER ORDERED that after July 14, 2010, the County may enter the property for the purpose of removing the untagged or inoperative vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer